

## INTRADEPARTMENTAL CORRESPONDENCE

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**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** UNINTENTIONAL DISCHARGE (NON-TACTICAL) FID NO. 022-19

Honorable Members:

The following is my review, analysis and findings for Unintentional Discharge (UD), Force Investigation Division (FID) No. 022-19. On February 13, 2020, this case was presented to the Chair of the Use of Force Review Board (UOFRB) who considered the totality of the circumstances surrounding the incident and made recommendations as to the outcome.

I have adopted the recommendations from the Chair of the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

### SUMMARY<sup>1</sup>

On May 27, 2019, at approximately 2100 hours, Officer P. Hazelton, Serial No. 42465, Hollywood Patrol Division, was off-duty, in his residence, located in an apartment complex in West Valley Area.

According to Officer Hazelton, he had returned to his residence from the store with his fiancé. Officer Hazelton removed his holster, which contained his off-duty pistol, from his waistband and set it down on a table next to the front door. Shortly thereafter, Officer Hazelton decided to clean his pistol and picked up the holstered pistol with his left hand. Officer Hazelton pointed the holstered pistol at the front door and with his right hand, he began to remove the pistol from the holster. As he was doing this, his right index finger *slipped* into the trigger guard and pulled the trigger. This caused the pistol to discharge one round into the front door of his apartment unit (**Unintentional Discharge**).

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<sup>1</sup>The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

**Note:** The investigation revealed that Officer Hazelton's pistol was found to be stippled <sup>2</sup> (**Additional – Firearms Inventory Tracking System**).

Immediately following the discharge of the pistol, Officer Hazelton took the magazine out of the pistol, removed a live round from the chamber and placed the pistol *next to the door*. Officer Hazelton notified the Hollywood Patrol Division Watch Commander of the incident. Officer Hazelton then checked with his neighbor in the adjacent apartment and verified that no one was injured. Officer Hazelton called 9-1-1 to notify Communications Division that he was an off-duty officer and that an *Accidental Discharge* had occurred (**Additional - Categorical Use of Force Protocols**).<sup>3</sup>

Sergeant K. Iwasaki, Serial No. 38450, West Valley Patrol Division, was the first supervisor to respond to Officer Hazelton's residence and met with Officer Hazelton outside of the apartment complex. Sergeant Iwasaki directed two responding police officers to secure the residence. Sergeant Iwasaki obtained a Public Safety Statement (PSS) from Officer Hazelton and ensured that Officer Hazelton was separated and monitored until the arrival of FID investigators.

## **FINDINGS**

**Tactics** – Tactical Debrief, Officer Hazelton.

**Drawing/Exhibiting** – Does Not Apply.

**Unintentional Discharge** – Administrative Disapproval, Negligent Discharge, Officer Hazelton.

## **ANALYSIS**<sup>4</sup>

### **Detention**

Does not apply.

### **Tactics**

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where*

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<sup>2</sup> According to the Department armorer, stippling of a polymer handle gun (similar to plastic) involves engraving into the plastic grip to alter the texture in order to give a shooter more grip on the gun. This is done to create a rougher texture on the grip and reduce the slippage of the gun in the shooter's hand while shooting.

<sup>3</sup>The FID investigation determined that Officer Hazelton did not display any objective symptoms of depression or alcohol consumption during his interview.

<sup>4</sup>The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

*actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance” (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

Officer Hazelton’s tactics were not a factor in this incident. Therefore, they were not reviewed or evaluated. However, as Department guidelines require personnel who are substantially involved in a Categorical Use of Force incident to attend a Tactical Debrief<sup>5</sup>, I have determined that it would be appropriate to recommend a Tactics finding of Tactical Debrief.

During the review of this incident, the following Debriefing Point was noted:

- Firearms Manipulations – Four Basic Firearm Safety Rules

### **Additional Tactical Debrief Topics**

#### Tactical De-Escalation

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

#### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, Officer Hazelton was off duty, inside of his residence at the time of this incident and he was not engaged in any tactical operations. Therefore, Officer Hazelton was not evaluated for Tactical De-escalation.

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<sup>5</sup> A Tactical Debrief shall be conducted for *all* CUOF incidents within 90 calendar days of the conclusion of the BOPC review process. *LAPD Department Manual, Volume 3, Section 792.15.*

## **Command and Control**

*Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (LAPD, Training Bulletin, Volume XLVII Issue 4, July 2018).*

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).*

The investigation revealed that Sergeant Iwasaki responded to the scene of this incident, obtained a PSS from and monitored Officer Hazelton.

The actions of Sergeant Iwasaki were consistent with Department supervisory training and my expectations of Department supervisors following a critical incident.

## **Tactical Debrief**

I will direct Officer Hazelton to attend a Tactical Debrief that shall include discussions pertaining to the above Debriefing Topics along with the following mandatory topics:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

## **General Training Update (GTU)**

On June 10, 2019, Officer Hazelton attended a GTU. All mandatory topics were covered, including Firearm Manipulations.

## **Unintentional Discharge**

*Firearms safety is critical. Officers must have the ability to draw, holster and manipulate weapons safely at all times, especially under stressful conditions. Firearms safety rules have been established based upon real life situations and are applicable at all times. Violations of any of the safety rules will not be tolerated.*

### ***The Four Basic Firearm Safety Rules***

- 1. All guns are always loaded.*
- 2. Never allow the muzzle to cover anything you are not willing to shoot.*
- 3. Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot.*
- 4. Be sure of your target.*

*Officers are required to know and apply the Four Basic Firearm Safety Rules throughout their careers. These rules must be ingrained into an officer's natural thought process and become second nature. Any violation of the Four Basic Firearm Safety Rules may result in the unintentional discharge of a round. This is a serious matter with the potential of having tragic results. For administrative purposes, the unintended discharge of a weapon is classified into two categories:*

- 1. Accidental discharge: An unintended discharge of a firearm as a result of a mechanical malfunction of the firearm, not involving the shooter.*
- 2. Negligent discharge: An unintended discharge of a firearm as a result of a shooter not handling a weapon in a safe manner, violating one or more of the four basic firearm safety rules (Los Angeles Police Department Firearms Manual, July 2015).*

***Administrative Disapproval - Negligent Discharge.*** *Finding where it was determined that the unintentional discharge of a firearm resulted from operator error, such as the violation of a firearm safety rule (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

**Officer Hazelton** – 9mm pistol, one round in a westerly direction.

Officer Hazelton had returned to his residence from the store with his fiancé. Officer Hazelton removed his holster, which contained his off-duty pistol, from his waistband and set it down on a table next to the front door. Shortly thereafter, Officer Hazelton decided to clean his pistol and picked up the holstered pistol with his left hand. Officer Hazelton pointed the holstered pistol at the front door and with his right hand, he began to remove the pistol from the holster. As he was

doing this, his right index finger slipped into the trigger guard and pulled the trigger. This caused the pistol to discharge one round into the front door.

Officer Hazelton recalled,

*As I pulled out the holster, or the firearm from the holster, there was an accidental discharge. Possibly a misplacement of the finger on the holster. So as I was pulling, I believe my finger probably fell into the holster, I mean into the trigger guard, and pulled the trigger as I was pulling the firearm out.<sup>6</sup>*

Upon reviewing the evidence, I have determined that the NTUD was the result of operator error. Officer Hazelton pressed the trigger of his loaded pistol while attempting to remove the pistol from the holster. Additionally, when Officer Hazelton was attempting to remove the pistol from the holster, he pointed the pistol in an unsafe direction towards the front entry door of his residence. Officer Hazelton's action violated the Department's Basic Firearm Safety Rules, and therefore requires a finding of Administrative Disapproval (AD), Negligent Discharge. I will direct that this be a topic of discussion during the Tactical Debrief.

#### **Additional/Equipment**

**Firearms Inventory Tracking System (FITS)** - The investigation revealed that Officer Hazelton's pistol was stippled, which was not documented by a Department Armorer at the time of the incident. On May 28, 2019, the pistol was inspected by a Department Armorer and was determined to be well maintained, in good working order, and was within Department specifications. The stippling on the pistol was inspected, found to be within Department specifications, and was documented in FITS. Captain M. Odle, Serial No. 22369, Commanding Officer, 77th Street Patrol Division, addressed this issue by providing Officer Hazelton with the Uniform & Equipment Committee Notice 1.12, dated October 20, 2017, Stippling of Polymer Framed Firearms, to review. The Commanding Officer of Operations –South Bureau and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

**Note:** Officer Hazelton had transferred to 77<sup>th</sup> Division Patrol Division after this incident, unrelated to the NTUD.

**Categorical Use of Force Protocols** – The investigation revealed that Officer Hazelton unloaded his pistol immediately following the NTUD. While Officer Hazelton's actions were motivated by a concern for the physical safety of himself and others in the area, he is reminded of the importance of maintaining the integrity of evidence following a critical incident. Captain S. Lurie, Serial No. 33959, Commanding Officer, Hollywood Area, addressed this issue through divisional training which was entered into the Learning Management System. The Commanding Officer of Operations – West Bureau and the Director of OO concurred with these actions. As such, I deem no further action is necessary.

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<sup>6</sup> Officer Hazelton, Page 10, lines 10-16

**Audio/Video Recordings**

**Digital In-Car Video System (DICVS)/Body Worn Video (BWV)** – Officer Hazelton was off-duty at the time of the incident. He was not using a vehicle equipped with DICVS nor wearing BWV during this incident.

Respectfully,



MICHEL R. MOORE  
Chief of Police

Date: 3-20-20